



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 6, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-33012 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP**

---

### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-33010) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow a 79-foot setback where Residential Adjacency Standards require 136 feet on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. There is an associated request for a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential) and a Site Development Plan Review (SDR-33010) for a proposed two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required. The proposed Senior Citizen Apartment development is consistent with Objective 2.2 and Policy 2.2.2 of the Las Vegas 2020 Master Plan and will provide a landscape buffer between the proposed development and the affected two-story Condominium property to the east which is more than twice that required by Title 19; therefore staff recommends approval of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved 12/10/03.
09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	The Planning and Development Department administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.

03/26/09	<p>The Planning Commission recommended approval of companion items ZON-32514 and SDR-33010 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/dc).</p>
<b>Related Building Permits/Business Licenses</b>	
There are no related building permits associated with this property.	
<b>Pre-Application Meeting</b>	
11/25/08	A pre-application meeting was held with the applicant where the requirements for a Rezoning, Site Development Plan Review and Variance submittal were discussed.

<b>Neighborhood Meeting</b>	
02/09/09	A neighborhood meeting was held on Monday February 9, 2009 at 6:00 pm at the Silver Sky Assisted Living Residence located at 8220 Silver Sky Drive, Las Vegas, Nevada 89145. Four members of the general public, three representatives of the development team and one member of the Planning and Development staff were present. Questions were raised concerning the height of the building, site drainage, parking, noise, traffic and landscape. The four members of the public were generally in support of the proposed development.

<b>Field Check</b>	
01/21/09	A field check was performed by staff at the subject property. The site was noted as undeveloped and ungraded, sloping down from west to east, with some weeds and debris. Several earth mounds were noted at the north end of the site, and offsite improvements consisting of a fully improved right-of-way and sidewalk were noted along Silver Sky Drive.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	4.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	U (Undeveloped) [M (Medium Density Residential) General Plan designation]
North	Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)

South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development – 8 Units Per Acre)
East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 Units Per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development – 17 Units Per Acre)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.08.050, the following standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	6,500 SF	206,154 SF	Y
Min. Lot Width	N/A	222 Feet	N/A
Min. Setbacks			
• Front	20 Feet	78 Feet	Y
• Side (West)	5 Feet	5 Feet	Y
• Side (East)	5 Feet	79 Feet	N*
• Rear	20 Feet	79 Feet	Y
Min. Distance Between Buildings	10 Feet	41 Feet	Y
Max. Building Height	3 Stories or 40 Feet, whichever is less	3 Stories/33 Feet	Y**
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

\* The property to the east of the proposed development meets the Title 19.08.060 requirements for a “protected property” in the Residential Adjacency Standards. For any building proposed on the subject property greater than 15 feet in height, a 3:1 proximity slope must be met. The proposed building is 33 feet in height, thus requiring a 99-foot setback; however, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback. The applicant has submitted this Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet.

\*\* The main roof height of the three story building located on site is 33 feet. Staff notes that this building contains three tower elements, 12 feet by 12 feet in width, measuring 43 feet in height, which are setback a sufficient distance which do not impact the Residential Adjacency Variance request.

***Pursuant to Title 19.08.060, the following residential adjacency standards apply:***

<b><i>Residential Adjacency Standards</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
3:1 proximity slope	136 Feet	79 Feet	N*
Adjacent development matching setback	15 Feet	79 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

\* The applicant has submitted this Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet. The proposed building is 33 feet in height, thus requiring a 99-foot setback; however, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback.

## **ANALYSIS**

The applicant is requesting a Variance to allow a 79-foot setback where Residential Adjacency standards require 136 feet on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The subject Variance represents a 42% deviation from the setback distance required by Residential Adjacency standards. The affected property is an existing two-story condominium development to the east of the subject site. The applicant is proposing a two-building, two and three-story Senior Citizen Apartment development on the subject site. The proposed three-story building will measure 33 feet in height, will be located at the northern end of the subject property, and will be setback approximately 79 feet from the property line of the affected condominium development. This building will have three tower elements, measuring 12 feet by 12 feet in width and 43 feet in height; however, these tower elements will be setback a sufficient distance which will not impact this Variance request for Residential Adjacency. While the proposed building is 33 feet in height requiring a 99-foot setback, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback.

The proposed development furthers the General Plan and is consistent with Objective 2.2 and Policy 2.2.2. Objective 2.2 has been established to ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use or non-residential land uses by mitigating adverse impacts where feasible. Policy 2.2.2 states that senior citizens' and assisted living housing be encouraged to develop, both to meet the needs of community residents who wish to age in place in their neighborhoods, and as a means of increasing residential densities in these areas.

Additionally, the applicant has provided a 15-foot wide landscape buffer with 24-inch box Mondel Pine trees 20 feet on-center adjacent to the existing condominium development where the development standards of Title 19.12 require a six-foot wide landscape buffer. Staff finds that the proposed Senior Citizen Apartment development will not negatively impact the adjacent existing condominium development, works to further the goals of the General Plan and provides adequate buffering between the proposed and affected property; therefore approval of this request is recommended.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

The applicant demonstrated that the proposed development will further the goals and policies of the General Plan and will not negatively impact the adjacent properties. The relief granted will not create any substantial detriment to the public good, substantial impairment of affected natural resources or substantially impair the intent and purpose of any ordinance or resolution. Therefore, staff recommends approval of this request.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

9

**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 8

**NOTICES MAILED** 386 by City Clerk

**APPROVALS** 2

**PROTESTS** 13